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CORPORATIONS—FOREIGN—ACTION AGAINST—FENNE—BOYER v. NORTHERN PAC. RY. CO., 66 Pac. 826 (Idaho).—*Held*, that a foreign corporation doing business in a state does not acquire a fixed residence in that state by designating an agent upon whom process may be served as required by statute.

This case well illustrates the development of corporation law. In the former case of *Easley v. Ins. Co.*, 38 Pac. 405, which is here expressly overruled, it was held that a foreign corporation could acquire a fixed residence within the state for the purpose of suing and being sued. This was also the conclusion in *N. T. v. Southern Pac. Ry. Co.*, 47 Fed. 297. But as shown in *Shaw v. Mining Co.*, 145 U. S. 444 and the recent case of *U. S. v. Schotter* 110 Fed., XI Y. L. JOUR. vfd the better opinion now is that a foreign corporation cannot acquire such residence in another state.

CORPORATIONS—UNPAID SUBSCRIPTIONS—RIGHTS OF CORPORATION CREDITORS.—HAWKINS v. DONNERBERG, 66 Pac. 691 (Or.).—A subscription agreement specified that the capital stock should be paid for within a definite time but more than six years had elapsed without payment. *Held*, that the creditors of the corporation could not enforce the liability of stockholders for unpaid subscriptions after the corporation's right to collect such subscriptions had become barred by the statute of limitations.

This conclusion rests on the theory forcibly stated in *So. Carolina Mfg. Co. v. Bank of State*, 6 Rich. Esq. 227, that as against the shareholder the creditor's only equity is to be subrogated to the rights of the corporation. Hence, if the rights of the corporation are lost or their action barred, the creditor is without remedy. But the celebrated case of *Wood v. Drummer*, 3 Mason 308, Fed. Cas. No. 17,944, and those following it, as *Payne v. Bul-lard*, 23 Miss. 88, are not in accord with this view. This latter line of decisions supports the more equitable doctrine that unpaid stock subscriptions constitute a trust fund held by the stockholders for the payment of the debts of the corporation.

CRIMINAL LAW—ACCUSATION OF CRIME—FAILURE TO DENY—EVIDENCE—PEOPLE v. AUGUR, 66 Pac. 794 (Cal.).—Defendant, after his arrest, was brought to the bedside of the decedent, who identified him as the man who shot him. The defendant fully understood the accusation but made no reply or denial. *Held*, that though defendant was under arrest, evidence of such failure was admissible.

This conclusion cannot be accepted as good law. In other states it has been held that silence of a person under arrest when accused of crime is not admissible as evidence against him, as such a person is not free to speak. It was so held in the leading case of *Com. v. Kenney*, 12 Metc. (Mass.) 235, and this has been followed not only in Massachusetts but in Texas, Missouri and other states.

CRIMINAL LAW—FORMER JEOPARDY—DISCHARGE OF JURY—WAIVER—SILENCE OF PRISONER—EX PARTE GLENN, 111 Fed. 257 (W. Va.).—Where a prisoner was once tried for felony by a regularly impaneled jury, which failed to agree and was discharged by the Court without the prisoner's consent or objection and without any actual necessity being shown, *held*, that the prison-